

DETAILED ACTION

This Office Action is in response to the Reply Brief (Amendment after Examiner's Answer under 35 USC §1.111) submitted on 30 September 2009.

Claims 2, 5, 7, 11, and 13 were amended; and

Claims 1 and 9-10 were cancelled.

EXAMINER'S COMMENT

Terminal Disclaimer

The terminal disclaimer filed on October 21, 2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Patent Number 6,658,846 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Regarding claim 2, the prior art fails to disclose or renders obvious the combination of an apparatus having an actuator rod for a turbocharger pressure control assembly, the actuator rod including:

"a first elongate portion defining a first rod end, and a second portion defining a second rod end, said first and second portions being pivotally joined to one another to allow a degree of relative pivotal motion between said two portions in at least one plane containing the axis of said

elongate first portion; and a lever arm fixedly connected to said second portion of the actuator rod; and the pivotal joint between said first and second portions allowing pivotal motion in at least two orthogonal planes containing the axis of said first elongate portion."

Regarding claim 11, the prior art fails to disclose or renders obvious the combination of a method of assembling a pressure control assembly of a turbocharger, the turbocharger comprising a turbine housing and a compressor, the pressure control assembly comprising a valve assembly mounted within the turbine housing, a pneumatic actuator mounted to the turbocharger to receive pressurised air from the compressor, an actuator rod extending from the pneumatic actuator, and a lever arm extending from the valve assembly and the turbine housing and linking the actuator rod to the valve assembly, wherein the actuator rod is a rod comprising a first elongate portion defining a first rod end, and a second portion defining a second rod end, said first and second portions being pivotally joined to one another to allow a degree of relative pivotal motion between said two portions in at least one plane containing the axis of said elongate first portion, the method comprising:

"assembling the valve assembly and lever arm on the turbine housing; assembling the pneumatic actuator and actuator rod as a sub-assembly; mounting the pneumatic actuator/actuating rod sub-assembly to the turbocharger; and securing the second portion of the actuator rod to the lever arm by welding or otherwise bonding."

Regarding claim 14, the prior art fails to disclose or renders obvious the combination of an actuator rod for a turbocharger pressure control assembly, the actuator rod including:

"a first elongate portion defining a first rod end, and a second portion defining a second rod end, said first and second portions being pivotally joined to one another to allow a degree of relative pivotal motion between said two portions in at least two orthogonal planes containing the axis of said elongate first portion (emphasis added)."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THAI BA TRIEU whose telephone number is (571)272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTB
October 27, 2009

/Thai-Ba Trieu/
Primary Examiner
Art Unit 3748